

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC
Plaintiff,

V.

TEXAS INSTRUMENTS, INC.
Defendants

§ Civil Action No. 6:12-CV-499 MHS
§
§ LEAD CASE

BLUE SPIKE, LLC,
Plaintiff,

V.

AUDIBLE MAGIC CORPORATION,
FACEBOOK, INC., MYSPACE, LLC,
SPECIFIC MEDIA, LLC,
PHOTOBUCKET.COM, INC.,
DAILYMOTION, INC.,
DAILYMOTION S.A., SOUNDCLOUD,
INC., SOUNDCLOUD LTD., MYXER,
INC., QLIPSO, INC., QLIPSO MEDIA
NETWORKS LTD., YAP.TV, INC.,
GOMISO, INC., IMESH, INC.,
METACAFE, INC., BOODABEE
TECHNOLOGIES, INC., TUNECORE,
INC., ZEDGE HOLDINGS, INC.,
BRIGHTCOVE INC.,
COINCIDENT.TV, INC., ACCEDO
BROADBAND NORTH AMERICA,
INC., ACCEDO BROADBAND AB,
AND MEDIAFIRE, LLC
Defendants.

§ Civil Action No. 6:12-CV-576 MHS
§
§ CONSOLIDATED CASE

BLUE SPIKE, LLC,
Plaintiff,

V.

WIOFFER, LLC
Defendant.

§ Civil Action No. 6:12-CV-570 MHS
§
§ CONSOLIDATED CASE

**DECLARATION OF GIUSEPPE DE MARTINO IN SUPPORT OF DEFENDANT
AUDIBLE MAGIC CORPORATION'S AND ITS CUSTOMERS' MOTION TO
TRANSFER VENUE
TO THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF CALIFORNIA UNDER 28 U.S.C. § 1404(a)**

I, Giuseppe de Martino, declare under penalty of perjury that the following is true and correct:

1. I am General Counsel for Dailymotion S.A. I have personal knowledge of the facts set forth in this declaration, or access to Dailymotion S.A. and Dailymotion Inc.'s (collectively, "Dailymotion") corporate information and records allowing me to confirm these facts. If called as a witness, I could testify competently to these facts under oath.

2. Dailymotion S.A. is a French limited liability company, headquartered in Paris France. Dailymotion Inc. is the U.S. subsidiary of Dailymotion S.A. and is headquartered in New York.

3. Dailymotion has no operations, employees, or property in Texas.

4. Dailymotion regularly conducts business in the San Francisco Bay Area and Silicon Valley.

5. The Dailymotion products accused in the complaint in the above-referenced action incorporate Audible Magic technology accused in the complaint.

6. Dailymotion entered into an agreement with Audible Magic, located in Los Gatos, California, wherein Audible Magic supplies to Dailymotion Audible Magic's Content Identification Services. This is technology accused by Blue Spike in the instant action. The Content Identification Services provided to Dailymotion are, at all times, managed and hosted by Audible Magic in Los Gatos, California and San Jose, California.

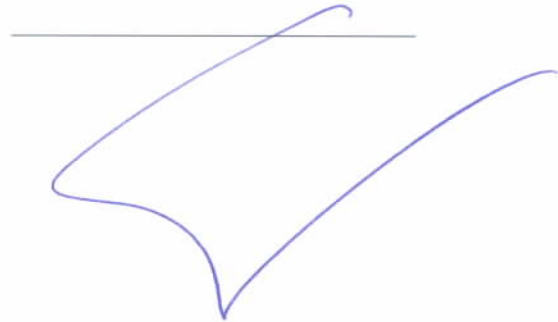
7. Dailymotion interacted with Audible Magic technical and business personnel in Los Gatos, California to obtain the agreement with Audible Magic and with regard to technical aspects of the Audible Magic technology.

8. As part of its agreement with Audible Magic, Dailymotion utilizes or accesses servers, databases, and software located in and/or originating from Audible Magic in Los Gatos, California.

9. Dailymotion has no access to, and no ability to alter, Audible Magic's proprietary source code used to run Audible Magic's Content Identification Services.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct based on my own personal knowledge.

Executed on May 7, 2013 in Paris France.

A handwritten signature in blue ink is written over a horizontal line. The signature is stylized, starting with a large loop on the left and ending with a long, sweeping stroke that curves upwards and to the right.